

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELISSA BETH PINE : CIVIL ACTION
v. :
DEPARTMENT OF EDUCATION, *et* : NO. 20-527
al. :
:

ORDER

AND NOW, this 28th day of July 2020, upon considering the Defendant Reliant Capital Solutions' Motion to dismiss (ECF Doc. No. 55), no timely opposition almost two months later but following today's oral argument, and for reasons in the accompanying Memorandum, it is ORDERED Defendant Reliant Capital Solutions' Motion to dismiss (ECF Doc. No. 55) is GRANTED in part and DENIED in part:

1. Defendant's Motion (ECF Doc. No. 55) is DENIED as to the Plaintiff's negligence and Fair Debt Collection Practices Act claim based on presently plead theories of Reliant Capital Solutions' attempt to collect a fraudulent debt and using means to collect a debt violative of notice requirements under federal law subject to discovery and Defendant shall file an answer to these allegations no later than **August 11, 2020**; and,
2. Defendant's Motion (ECF Doc. No. 55) is GRANTED as to all other claims:
 - a. Plaintiff's claim under the Higher Education Act is dismissed with prejudice; and,
 - b. Plaintiff's remaining claims are dismissed without prejudice.


KEARNEY, J.